

(no amdt)

ALBERTA REGULATION 251/2007

Alberta Utilities Commission Act

**ALBERTA UTILITIES COMMISSION
ACT TRANSITION REGULATION**

Table of Contents

- 1 Definitions
- 2 Allocation to Energy Resources Conservation Board and Commission
- 3 Continuation of employees
- 4 Agreements, arrangements and other instruments
- 5 Continuation of actions
- 6 Letters of credit and security deposits
- 7 Continuation of actions
- 8 Expiry
- 9 Coming into force

Definitions

1 In this Regulation,

- (a) “Act” means the *Alberta Utilities Commission Act*;
- (b) “Board” means the Alberta Energy and Utilities Board established under the *Alberta Energy and Utilities Board Act*;
- (c) “Commission” means the Alberta Utilities Commission established under the Act;
- (d) “ISO” means the Independent System Operator established under the *Electric Utilities Act*;
- (e) “obligations and liabilities” means all obligations and liabilities whatsoever, including without limitation obligations and liabilities pursuant to contract, tort, statute or equity and all agreements, arrangements and instruments;
- (f) “property, assets, rights and benefits” means all property, assets, rights and benefits whatsoever, including without limitation rights pursuant to contract, tort, statute or equity and all agreements, arrangements and instruments.

Allocation to Energy Resources Conservation Board and Commission

2 Unless otherwise provided for in this Regulation,

- (a) the property, assets, rights and benefits of the Board, and
- (b) the obligations and liabilities of the Board,

as they existed prior to the coming into force of the Act, are allocated between the Energy Resources Conservation Board and the Commission as provided for by the Board prior to the coming into force of the Act.

Continuation of employees

3(1) Those persons employed by the Board immediately prior to the coming into force of the Act continue as employees of either the Energy Resources Conservation Board or the Commission as specified by the Board prior to the coming into force of the Act.

(2) The Energy Resources Conservation Board or the Commission, as the case may be, is deemed to be the employer of the employees referred to in subsection (1).

Agreements, arrangements and other instruments

4(1) Any agreement, arrangement or other instrument in force on the day the Act comes into force to which the Board was a party does not cease to have effect as a result of the coming into force of the Act.

(2) All agreements, arrangements or other instruments executed by the Board prior to the coming into force of the Act continue as agreements, arrangements or other instruments of either the Energy Resources Conservation Board or the Commission, as the case may be.

(3) The Energy Resources Conservation Board or the Commission, as the case may be,

- (a) is the successor in interest of the Board in an agreement, arrangement or other instrument referred to in subsection (1), and
- (b) is deemed to be a party to an agreement, arrangement or other instrument referred to in subsection (1).

Continuation of actions

5 An existing cause of action, claim or liability to prosecution of, by or against the Board or a civil, criminal or administrative action

or proceeding pending by or against the Board, or a ruling, order or judgment in favour of or against the Board is to be continued by, against or for

- (a) the Energy Resources Conservation Board, where the cause of action, claim or liability to prosecution of, or civil, criminal or administrative action or proceeding, or a ruling, order, or judgement relates to a matter under the jurisdiction of the Energy Resources Conservation Board, or
- (b) the Commission, where the cause of action, claim or liability to prosecution of, or civil, criminal or administrative action or proceeding, or a ruling, order, or judgement relates to a matter under the jurisdiction of the Commission.

Letters of credit and security deposits

6 Letters of credit and security deposits that were issued to the Board prior to the coming into force of the Act, in accordance with Interim Directive ID 2001-01, Security Deposits, that are in force on the coming into force of this Regulation, or other security deposits under any enactment under which the Board had jurisdiction are deemed to have been issued to the Energy Resources Conservation Board which is the successor in interest of the Board and is deemed a party to each letter of credit or security deposit and is deemed to be the holder of each letter of credit or security deposit.

Continuation of actions

7 Any action begun by the issuance of a Notice of Compliance Review by the ISO under the ISO Rules made under the *Electric Utilities Act* but not completed prior to the coming into force of the Act may be completed by the ISO in accordance with the ISO Rules that were in force immediately prior to the coming into force of the Act.

Expiry

8(1) Sections 2 and 5 of this Regulation expire on November 30, 2012.

(2) Sections 1, 3, 4, 6 and 7 of this Regulation expire in accordance with section 80(10) of the Act.

Coming into force

9 This Regulation comes into force on the coming into force of the Act.